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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,975	12/08/2000	Hans Carlsson	P12547-US1-BMOA	1754

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EXAMINER
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LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/731,975

Applicant(s)

CARLSSON ET AL.

Examiner

DANH C LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/00/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2-4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5, 7-10, 12-20, 22-25, 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Saha (US 6,606,501).

As to claim 1, Saha teaches the method for determining a position of a mobile terminal tuned to a first control channel (figure 5a and 5b), comprising:

transmitting a paging request to the mobile terminal via the first control channel;  
switching from the first control channel to a second control channel;  
transmitting a paging response via the second control channel; and  
determining the position of the mobile terminal based on the paging response  
(col.6, line 47-col.8, line 52).

As to claim 2, Saha teaches the method of claim 1 wherein the first control channel is a packet control channel and the second control channel is a circuit-switched control channel (col.6, line 47-col.8, line 52).

As to claim 3, Saha teaches the method of claim 2 wherein the first control channel is an Enhanced General Packet Radio Service 136 control channel and the second control channel is a digital control channel (col.1, lines 22-32).

As to claim 4, Saha teaches the method of claim 1 further comprising:  
transmitting, in response to the paging response, a release message via the second control channel;

receiving the release message; and

switching from the second control channel to the first control channel in response to the release message (col.6, line 47-col.8, line 52).

As to claim 5, Saha teaches the method of claim 1 wherein the paging request is one of a hard page and a layer 3 page comprising a tele-service indication or Wide, Open R-Data Transport indication (col.6, line 47-col.8, line 52).

As to claim 7, the claim is the system claim of claim 1; therefore, the claim is interpreted and rejected as set forth in the claim 1.

As to claim 8, the claim is the system claim of claim 2; therefore, the claim is interpreted and rejected as set forth in the claim 2.

As to claim 9, the claim is the system claim of claim 3; therefore, the claim is interpreted and rejected as set forth in the claim 3.

As to claim 10, the claim is the system claim of claim 4; therefore, the claim is interpreted and rejected as set forth in the claim 4.

As to claim 12, the claim is the computer claim of claim 1; therefore, the claim is interpreted and rejected as set forth in the claim 1.

As to claim 13, the claim is the computer claim of claim 2; therefore, the claim is interpreted and rejected as set forth in the claim 2.

As to claim 14, the claim is the computer claim of claim 5; therefore, the claim is interpreted and rejected as set forth in the claim 5.

As to claim 15, the claim is the computer claim of claim 4; therefore, the claim is interpreted and rejected as set forth in the claim 4.

As to claim 16, Saha teaches the method for determining a position of a mobile terminal tuned to a first control channel (figure 5a and 5b, comprising:

transmitting a paging request to the mobile terminal via the first control channel;  
switching from the first control channel to a second control channel;  
receiving a paging response via the second control channel from the mobile terminal;

transmitting a position request to the mobile terminal;  
receiving a position response from the mobile terminal; and  
determining the position of the mobile terminal based on the position response  
(col.6, line 47-col.8, line 52).

As to claim 17, the limitation of the claim is the same as the limitation of claim 2; therefore, the claim is interpreted and rejected as set forth in the claim 2.

As to claim 18, the limitation of the claim is the same as the limitation of claim 5; therefore, the claim is interpreted and rejected as set forth in the claim 5.

As to claim 19, the limitation of the claim is the same as the limitation of claim 4; therefore, the claim is interpreted and rejected as set forth in the claim 4.

As to claim 20, Saha teaches the method of claim 16 further comprising:  
transmitting a release message after receiving the position response (col.6, line 47-  
col.8, line 52).

As to claim 22, the claim is the system claim of claim 16; therefore, the claim is  
interpreted and rejected as set forth in the claim 16.

As to claim 23, the claim is the system claim of claim 17; therefore, the claim is  
interpreted and rejected as set forth in the claim 17.

As to claim 24, the claim is the system claim of claim 18; therefore, the claim is  
interpreted and rejected as set forth in the claim 18.

As to claim 25, the claim is the system claim of claim 19; therefore, the claim is  
interpreted and rejected as set forth in the claim 19.

As to claim 27, the claim is the computer claim of claim 16; therefore, the claim is  
interpreted and rejected as set forth in the claim 16.

As to claim 28, the claim is the computer claim of claim 17; therefore, the claim is  
interpreted and rejected as set forth in the claim 17.

As to claim 29, the claim is the computer claim of claim 18; therefore, the claim is  
interpreted and rejected as set forth in the claim 18.

As to claim 30, the claim is the computer claim of claim 19; therefore, the claim is  
interpreted and rejected as set forth in the claim 19.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

Art Unit: 2683

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6, 11, 21, 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saha in view of Verdonk (US 6,330,454).

As to claims 6, 11, 21, 26, 31, Saha teaches the method of claim 1, Saha fails to teach the determining the position of the mobile terminal based on the paging response comprises: determining a cell in which the mobile terminal is positioned. Verdonk teaches the determining the position of the mobile terminal based on the paging response comprises: determining a cell in which the mobile terminal is positioned (col.2, line 29-col.3, line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Verdonk into the system of Saha in order to determine an approximate location of the mobile unit.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Amirjoo et al (US 2001/0041575) teaches the position of GPRS mobiles using TOA methodology.

B. Hanson et al (US 6,678,524) teaches the bearer selection in mobile communication system having both circuit switch and packet switched bearers.

C. Silver et al (US 6,560,457) teaches the enhanced call delivery system for interoperability between circuit switched and packet switches networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Danh C.Le



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